

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

ROBERT BREON EVANS,)
)
Petitioner,)
)
v.) Nos.: 3:15-CR-153-TAV-HBG
) 3:16-CV-627-TAV-HBG
UNITED STATES OF AMERICA,)
)
)
Respondent.)

JUDGMENT ORDER

For the reasons set forth in the accompanying opinion, it hereby is **ORDERED** and **ADJUDGED** that petitioner's § 2255 motion [Doc. 39, No. 3:15-CR-153; Doc. 1, No. 3:16-CV-627] is **DENIED**, and this action is **DISMISSED** with prejudice.

Should petitioner give timely notice of an appeal from this order, such notice will be treated as an application for a certificate of appealability, which is hereby **DENIED** because he has failed to make a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Additionally, the Court has reviewed this case in accordance with Rule 24 of the Federal Rules of Appellate Procedure and hereby **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, any application by petitioner for leave to proceed in forma pauperis on appeal is **DENIED**. *See* Fed. R. App. P. 24.

The Clerk is **DIRECTED** to close civil case number 3:16-CV-627.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE